

# CITY OF LEWISTON

CITY COUNCIL

OCTOBER 21, 2008

## REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett and Deputy City Clerk Kelly J. Mercier

Pledge of Allegiance to the Flag.

Moment of Silence.

## AUTHORIZATION FOR THE MUNICIPAL CLERK TO HIRE NON-LEWISTON VOTERS TO SERVE AS ELECTION WORKERS FOR THE NOVEMBER 2008 ELECTION ONLY

### VOTE (263-2008)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To authorize the City Clerk to hire non-Lewiston voters to serve as election clerks for the November 4 election if all available options to hire Lewiston voters have been exhausted.  
Passed - Vote 7-0

## AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING REGULATIONS ON A PORTION OF ELM STREET

### VOTE (264-2008)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

The City Council hereby adopts the following amendments to the Traffic Schedule:

Section 44 - Parking Restricted - No Parking Anytime - Hazardous or Congested Places, is hereby amended as follows:

<u>ELM STREET</u>	<u>Odd numbered side southwesterly side beginning at a point 360' from the southwest corner of Elm St &amp; Main St and extending westerly on Elm St a distance of 20' (situated in the curb space between the driveways at 15 Elm St and 21 Elm St.</u>
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NOTE: (Additions are underlined; deletions are ~~struck-out~~)  
Passed - Vote 7-0

## AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD STOP SIGNS ON MAPLE STREET AND ON TALL PINES DRIVE

**VOTE (265-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

The City Council hereby adopts the following amendments to the Traffic Schedule:

Section 38 - Stop Signs, is hereby amended as follows:

MAPLE STREET                    1 sign at Blake St (southwest corner).

TALL PINES DRIVE            1 sign at Northwood Rd (southern corner).

NOTE: (Additions are underlined; deletions are ~~struck-out~~).

Passed - Vote 7-0

**CONTINUATION OF THE PUBLIC HEARING REGARDING A SPECIAL  
AMUSEMENT PERMIT FOR FRIENDS LODGE**

Mayor Gilbert opened the public hearing to receive citizen input and comment. City Administrator James Bennett briefed the Council on a meeting the transpired with Deputy Police Chief Mike Bussiere, Eileen Knight, the bar manager of Friends Lodge, and himself. He then reminded the Council about the current Adult Entertainment Ordinance and that it does not allow the type of entertainment that "Bodies in Motion" provides in a commercial licensed establishment.

David Farrell, treasurer and registered agent of Friends Lodge, and his attorney John Conway addressed the Council concerning the entertainment that occurred at the establishment earlier this month. Apparently, the operators of Friends Lodge received bad information about what was allowed for entertainment and not knowing any different allowed this activity to take place. It was noted that this was the only time this type of entertainment had occurred and would definitely be the last. They apologized to the Council and admitted it was a mistake.

Councilor T. Peters stated that he understands that mistakes happen, however, when questions are asked about issues that take place in an establishment he and the entire Council expect truthful answers the first time the questions are asked. Mayor Gilbert then closed the hearing.

**VOTE (266-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To grant a Special Amusement Permit for Live Entertainment to Friends Lodge, 724 Main Street.  
Passed - Vote 5-2 (Councilors Poulin and Bailey opposed)

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE  
"ANIMALS" & "PARKS AND RECREATION" ORDINANCES REGARDING  
PROHIBITING DOGS, SMOKING AND LITTERING**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. City Administrator James Bennet summarized the intention of the ordinance amendments. He stated that the changes would eliminate smoking on athletic fields during certain times and on city playgrounds, it would limit the locations and times when dogs could be in playgrounds, parks and athletic fields. It also speaks the prohibiting littering on city playgrounds and athletic fields.

Several Councilors had questions and concerns about the proposed changes. Some felt the wording was too broad and that citizens would be confused about where and when their dogs would be allowed in parks, playgrounds and athletic fields. Others felt the no smoking piece was too restrictive and others thought it was not restrictive enough. City Administrator James Bennett suggested that the Council continue this item to a future meeting and that staff will bring back the proposed amendments as separate items so the Council could have the option of voting on each change separately.

**VOTE (267-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To continue the public hearing regarding amendments to the “Animals” & “Parks and Recreation” Ordinances regarding prohibiting dogs, smoking and littering. Passed - Vote 7-0

**AMENDMENTS TO THE GENERAL ASSISTANCE POLICY**

Councilor Theriault inquired how the General Assistance program works. Social Services Director Sue Charron explained that the program works on a voucher system. For example, if someone qualifies for a food or personal item voucher they bring the voucher to the store and are only allowed to purchase certain items with that voucher. She also explained that rent and utility vouchers are sent directly to the providers. Councilor Theriault asked if there was a residency requirement when applying for General Assistance. It was explained that there is no residency requirement allowed by state law. Cities in the state are mandated by state law to provide general assistance to qualifying applicants. Councilors discussed the problems with unfunded and partially funded mandates from the state.

**VOTE (268-2008)**

Motion by Councilor Poulin, seconded by Councilor Reed:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines, MMA housing maximums and the current Thrifty Food Plan. Passed - Vote 7-0

**DISCUSSION REGARDING THE POSSIBILITY OF PROVIDING TRANSPORTATION  
TO CITY POLLING LOCATIONS**

Councilors discussed the possibility of providing a shuttle to all four polling locations for the November 4<sup>th</sup> General Election. Deputy City Administrator Phil Nadeau reported that if the shuttle was to run from 7:00 am to 5:15 pm it would cost the city approximately \$500. Councilors questioned if getting to the polls was really an issue or not. Councilor T. Peters mentioned that more than 3,000 people had already voted by absentee ballot which represents about 12 percent of the registered voters in Lewiston.

Councilor Poulin made a motion to provided a shuttle service from the Oak Street Garage to the polling places. The motion died for lack of a second.

Councilors decided that it would be a needless expense. Residents have the option of voting by absentee ballot at city hall, requesting a ballot be mailed to them at home or calling any of the political party representatives offering rides to the polls on election day.

**DISCUSSION REGARDING THE AN AMENDMENT TO THE STREETS AND  
SIDEWALKS ORDINANCE REGARDING SNOW ON PUBLIC SIDEWALKS,  
WALKWAYS AND STREETS**

City Administrator James Bennett provided an overview of how the current ordinance reads and how the recommended changes would impact it. This change would eliminate the requirement that property owners must shovel and clear the sidewalks in front of their property, due to the enforcement problems with such an ordinance. The proposed ordinance changes eliminate this language and adds language that a person cannot deposit snow or ice onto a public sidewalk, walkway or street that has already been cleared by the City.

Several councilors raised questions about the wording of the proposed changes. Councilor Theriault expressed his frustration about an incident concerning this specific ordinance which occurred prior to him becoming a city councilor.

Romeo Bosse of Rideout Avenue raised questions about the plow list and if it was going to be changed this year. It was suggested that the plow list be added as an item to a future agenda.

Matthew Agren of East Avenue suggested the council take a practical look at the plowing on East Avenue. Last year he and several of his neighbors lost mail service due to the fact that the city could not keep up with the snow removal on the sidewalks.

After a lengthy discussion it was recommended that staff incorporate the suggested changes and bring this item back to the council for a vote.

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING THE HOUSING  
REHABILITATION LOAN PROGRAMS POLICY REGARDING IMPLEMENTATION  
OF THE LANDLORD HEATING/ENERGY RESPONSE PROGRAM**

James Andrews, Director of Economic and Community Development and Mark McComas, Deputy Director of Economic and Community Development gave a general overview to explain to the Council that this item and the next are to implement new programs to try to take care of the

possible projected energy crisis and to look at long term solutions to fix some of the energy issues within the city. This is to get long term energy efficiency into multi-family units. The city is looking at having Community Concepts, Inc. (CCI) do the entire energy audit program with the city. The city would be doing a 50/50 with CCI under their Low-Income Home Energy Assistance Program (LIHEAP) and under our own Community Development Block Grant (CDBG) program guidelines.

**VOTE (269-2008)**

Motion by Councilor Dube, seconded by Councilor Reed:

To approve the proposed amendment to the Housing Rehabilitation Loan Program Guidelines, Policy Manual Number 40, as recommended by the Director of Economic & Community Development. Passed - Vote 7-0

**AUTHORIZATION FOR THE CREATION OF THE SENIOR CITIZEN HEATING ASSISTANCE PROGRAM AND THE TRANSFER OF FUNDS TO THE SENIOR CITIZEN HEATING ASSISTANCE PROGRAM**

Councilor T. Peters wanted to make sure that the requested \$225,000 to be transferred from CDGB money was not going to be used to buy down the cost of heating oil since the federal government just released a bonus of \$76,000,000 to the States' LIHEAP program which is designated to do just that. He wanted to make sure the CDBG money was to be used for weatherization.

Councilor Dube mentioned that she had a CCI energy audit done on her house and found it very helpful and urged others to do the same. Councilor Dube will be participating in the home energy part of a Homeowner How to Fair offered at the Multi-Purpose Center on Saturday, October 25.

**VOTE (270-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the City Administrator to proceed with the Senior Citizens Heating Assistance Program as significantly presented and the transfer of funds in the amount of \$225,000 from the CDBG Downtown Improvement Program account into the Senior Citizen Heating Assistance Program account. Passed - Vote 7-0

**DISCUSSION REGARDING THE POSSIBILITY OF DEVELOPING A PROGRAM FOR SHORT TERM INVESTMENTS WITH LOCAL BANKS**

City Administrator James Bennett explained to the Council the ideas behind this program. The city invests large amounts of city idle cash into short-term investments throughout the year. There are two major reasons for this activity. First, there are limits on the amounts of funds that are protected by FDIC insurance. The City staff works to make sure that there are no times when the City funds are outside protected limits. This is done a number of ways. One is to move

jumbo certificates of deposit (CDs) into other banks. The City does have repurchase and pledged securities agreement with our principal bank. The jumbo CD strategy requires staff to place at times 50 or 60 jumbo CDs in banks through the country. The second reason for making these decisions is to increase the investment income that the City generates to off set the budget. As a reminder, the City has generated \$545,590 in FY06 and \$685,728 in FY07.

The recent financial situation has resulted in the increase of the FDIC limit from \$100,000 to \$250,000. This means that such levels could be more significant to the local banks. We have not had many of our short-term investments with local banks, mostly because they have not been the offering the best rates.

The suggestion is to meet with our local banks to talk about putting a program together that has minimal and no impact on our investment out come. The purpose is to keep the money local so the banks can use the money to lend out specifically in the Lewiston area to help our local economy.

After several questions, the City Council recommended that the City Administrator explore this idea further.

### **REPORTS AND UPDATES**

Deputy Director of Economic and Community Development Mark McComas mentioned that the Sunnyside neighborhood (area from behind the Central Maine Medical Center up to the Veterans Bridge) will be hosting a neighborhood clean up day on Saturday, October 25. It will began at 10:00 am at Sunnyside Park, which is at the end of Whipple Street.

### **OTHER BUSINESS**

Councilor Theriault mentioned that customers calling the city clerk's office may experience some delays in the phone being answered due to the increase in the work load due to the upcoming general election. It was recommended that if a customer does not reach a person on the phone that they should leave a message and it will be returned as some as possible.

### **VOTE (271-2008)**

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To adjourn at 9:57 P.M. Passed - Vote 7-0

A true record, Attest:

Kelly J. Mercier, CMC  
Deputy City Clerk  
Lewiston, Maine